

REMARKS

This Application has been carefully reviewed in light of the Office Action electronically sent May 22, 2008. Claims 1-3, 5-12 and 33-43 are pending in this application and are rejected. For at least the reasons discussed below, Applicant respectfully requests reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1, 2, 5-12, 33, 34, and 36-43 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,092,603 issued to Glebov et al. ("Glebov"). In addition, Claims 1, 2, 6, 11, 33, 34, 37 and 42 as being anticipated by U.S. Patent No. 5,835,646 issued to Yoshimura et al. ("Yoshimura").

With respect to anticipation under Section 102, the Court of Appeals for the Federal Circuit has consistently adhered to the basic principle that: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). In addition, "The identical invention must be shown in as complete detail as is contained in the ... claim," and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (emphasis added).

Independent Claim 1 of the present application, as amended, recites the following limitations:

An apparatus for transmitting light comprising:
a first substrate having a first surface including at least one first optically active area;
a second substrate having a second surface positioned in opposing spaced apart relationship from said first surface, where said second surface contains at least one second optically active area opposing said at least one first optically active area, where said second substrate is supported substantially by said first substrate;
a polymer layer disposed between said first and second substrates;
a waveguide disposed within said polymer layer between said first and second optically active areas on said first and second surfaces, where said

waveguide comprises a polymer core and a cladding for transmitting light therebetween; and

one or more additional structures embedded within said polymer layer disposed between said first and second substrates.

Independent Claim 33 recites similar, although not identical, limitations.

Applicants respectfully submit that Claims 1 and 33 are allowable since neither *Glebov* nor *Yoshimura* discloses each and every one of these limitations. As an example only, neither of these references discloses the claimed “one or more additional structures embedded within said polymer layer disposed between said first and second substrates.” This particular limitation was added to Claims 1 and 33 from Claims 7 and 38, respectively. The Office Action does not reject Claims 7 and 38 in light of *Yoshimura*, and Applicants submit that, as recognized by the Examiner, *Yoshimura* does not disclose this limitation. Furthermore, this limitation is also not disclosed in *Glebov*.

With respect to this limitation, the Office Action asserts (in its rejection of Claims 7 and 38) that the claimed additional structures embedded within the polymer layer between the first and second substrates are disclosed by pads 211 of *Glebov*. However, these pads are not embedded in any polymer material. Applicants believe that the Office Action is claiming that the pads are embedded in optical bridge 200 of *Glebov*. However, this is not true. *Glebov* states that these pads are used to form the shape of the material 303 (that forms the bridge 200). They are not *embedded* in the material 303/bridge 200, as required by the claims.

For at least this reason, Applicants respectfully request reconsideration and allowance of Claims 1 and 33, as well as the claims that depend from these independent claims.

Section 103 Rejections

The Examiner rejects Claims 3 and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Yoshimura*, as applied to Claim 2 or 34, and further in view of U.S. Patent No. 6,303,040 issued to Oh et al. (“*Oh*”).

Claims 3 and 35 depend from independent Claims 1 and 33 that are shown above to

be allowable. To avoid burdening the record and in view of the allowability of Claims 1 and 33, Applicants do not specifically discuss these reasons in this Response; however, Applicants reserve the right to discuss these reasons in a future Response. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 3 and 35.

CONCLUSION

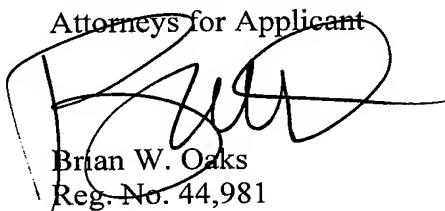
Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicant, at the Examiner's convenience at (214) 953-6986.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: August 7, 2008

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